

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF NORTH CAROLINA  
WESTERN DIVISION  
CIVIL ACTION NO. 5:21-cv-356-D

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)  
SABARA FISHER ROBERTS, )  
individually and as Administrator )  
of the ESTATE of ADRIAN )  
ROBERTS, )  
)  
Plaintiff, )  
)  
v. )  
)  
DEPUTY P.A. HERNANDEZ, *et al.*, )  
)  
Defendants. )  
)

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**ORDER GRANTING CONSENT MOTION REQUESTING**  
**TEMPORARY AND**  
**EMERGENCY RELIEF FROM LOCAL CIVIL RULES 83.1(e) and**  
**83.1(f)**

THIS CAUSE, being heard before the undersigned, on motion of Plaintiff, consented to by Defendants, for relief from the provisions of Local Civil Rules 83.1(e) and 83.1(f) of the United States District Court for the Eastern District of North Carolina, seeking to allow depositions to proceed in the absence of a personal appearance by local counsel governed under Local Civil Rule 83.1(f) and allowing counsel making a special appearance

as provided under Local Civil Rule 83.1(e) or admitted *pro hac vice* to conduct the depositions on behalf of the plaintiff.

While Local Civil Rule 83.1(e)(1)a. provides that "the special appearance attorney will be responsible for ensuring the presence of an attorney who is familiar with the case and has authority to control the litigation at all conferences, hearings, trials and other proceedings," the circumstances related to these depositions warrant an exception to and relief from these provisions in that the depositions were notice and scheduled some time ago, but on the night prior to the scheduled commencement of the depositions, the spouse of one of the local attorneys and member of the bar of this court suddenly died, and the other local attorneys involved in a murder trial and cannot be present for the depositions of two of the named defendants in this action, and proceeding with the depositions is necessary in an effort to avoid the potential need to seek a modification of the court's scheduling and case management order. These extraordinary, unique circumstances warrant an exception to and relief from the provisions of Local Civil Rule 83.1(e) for these depositions and under these limited circumstances.

IT IS, THEREFORE, HEREBY ORDERED that the motion of

Plaintiffs, consented to by Defendants, for relief from the provisions of Local Civil Rules 83.1(e) and 83.1(f) of the United States District Court for the Eastern District of North Carolina, seeking to allow depositions noticed and scheduled for February 1, 2023 to proceed in the absence of a personal appearance by local counsel governed under Local Civil Rules 83.1(d) 83.1(f), and allowing counsel making a special appearance as provided under Local Civil Rule 83.1(e) or admitted *pro hac vice* to conduct on behalf of Plaintiff the depositions of the named defendants which noticed and scheduled for February 1, 2023 is hereby granted.

So ORDERED.

This the 1 day of February, 2023.

J. Dever

JAMES C. DEVER III  
United States District Judge